

CITY OF SEATTLE
ORDINANCE _____
COUNCIL BILL _____

AN ORDINANCE relating to redevelopment at Yesler Terrace, designating certain future proposed projects as planned actions pursuant to the State Environmental Policy Act, through use of a Planned Action Ordinance, and establishing certain requirements for these planned actions.

WHEREAS, the State Environmental Policy Act (“SEPA”) provides for the integration of environmental review with land use planning and project review through designation of “planned actions” by jurisdictions planning under the Growth Management Act (“GMA”); and

WHEREAS, designation of a planned action expedites the permitting process for implementing projects whose impacts have been previously addressed in an environmental impact statement and thereby encourages desired growth and sustainable development; and

WHEREAS, the City has adopted a Comprehensive Plan complying with the GMA, and through Ordinance 123575 adopted Comprehensive Plan amendments to designate Yesler Terrace as a Master Planned Community site on the Future Land Use Map in anticipation of redevelopment of the site; and

WHEREAS, the Yesler Terrace Redevelopment Environmental Impact Statement identifies impacts and mitigation measures associated with planned redevelopment in Yesler Terrace; and

WHEREAS, the City has adopted development regulations that will help protect the environment, and is adopting development regulations specific to Yesler Terrace that will guide the location, form, quality, and amount of development; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Purpose. The purposes of this ordinance are:

A. To designate certain types of projects implementing the redevelopment of the property identified on Exhibit A to this ordinance (referred to as the “Planned Action Site”) as planned actions for purposes of the State Environmental Policy Act (“SEPA”);

B. To define conditions for proposed projects in the Planned Action Site to qualify as planned actions and as consistent with this Planned Action Ordinance; and

1 C. To expedite the land use permit review process by establishing that neither a threshold
2 determination nor additional environmental review is required for proposed projects that are
3 determined to be consistent with this ordinance.

4 **Section 2. Findings.** The City of Seattle finds that:

5 A. The types of development or redevelopment on the Planned Action Site that are
6 specified in this ordinance and that satisfy all the conditions for consistency with this ordinance
7 meet the criteria in SEPA for a planned action. These types of development will be located in an
8 urban growth area and will be consistent with the Comprehensive Plan. In addition, the Housing
9 Authority of the City of Seattle, as SEPA Lead Agency, issued a Final Environmental Impact
10 Statement ("FEIS") on April 13, 2011. The FEIS and the Yesler Terrace Redevelopment Draft
11 Environmental Impact Statement, dated October 19, 2010, comprise the "Planned Action EIS."
12 A copy of the Planned Action EIS is filed with the City Clerk in C.F. .
13 The Planned Action EIS was issued in conjunction with a phased project for redevelopment of
14 the Planned Action Site. Planned actions designated under this ordinance will be subsequent or
15 implementing projects for that phased development. The Planned Action EIS adequately
16 identifies and addresses the environmental impacts, including project level impacts, of the types
17 of development or redevelopment designated as planned actions in this ordinance.

18 B. A proposed project will be consistent with this ordinance, and with the development or
19 redevelopment described in this ordinance, only if it conforms to Section 3 of this ordinance and
20 the mitigation measures and conditions contained in the Planned Action Mitigation Document,
21 Exhibit B to this ordinance, including the Tree Protection Plan incorporated in Exhibit B by
22 reference and attached to this ordinance as Exhibit C.

23 C. A community meeting, public notice and opportunity for public comment were
24 provided as part of the City's process for enacting this ordinance.
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Section 3. Planned action designation, description, mitigation and conditions.

A. Planned Action Site. Only proposed projects within the area identified on Exhibit A to this ordinance may qualify as planned actions.

B. Mitigation Document; Application of Planned Action Requirements and Regulations. The Planned Action Mitigation Document, Exhibit B, is based on the analysis in the Planned Action EIS. To the full extent stated in the Planned Action Mitigation Document, any permit for a planned action shall include the conditions or requirements specified in or established pursuant to the Planned Action Mitigation Document. To the full extent stated in the Planned Action Mitigation Document, the applicant shall not be entitled to any permit or certificate of occupancy except upon satisfaction of conditions or requirements specified in or established pursuant to the Planned Action Mitigation Document. The applicant shall comply, and ensure compliance with, all conditions and requirements that apply by the terms of this planned action ordinance, whether or not set forth expressly in any permit or plans. In addition to conditions specified in the Planned Action Mitigation Document, the City may impose conditions on a planned action under applicable laws, codes and ordinances.

C. Planned actions. A proposed project may be a planned action only if the applicant seeks, and the Director of Planning and Development (“Director”) makes, a determination as described in this subsection 3.C. If the Director determines that a proposed project on the Planned Action Site fully conforms to this Section 3 and incorporates, implements, and will satisfy all conditions and mitigation measures described or incorporated in Exhibit B, as applicable, the proposed project is hereby designated as a “planned action” pursuant to SEPA, and is a “planned action” for purposes of this ordinance. For purposes of applying limits in subsection 3.D of this ordinance to determine whether a proposed project is a planned action, the Director shall include any other development constructed, commenced, for which a permit has been issued, or for which a permit application has been submitted, at the time that a permit application is submitted for the proposed project, except to the extent that a permit or application for other development has been abandoned, has been canceled, has expired, or has been modified

with the effect of eliminating or reducing the potential development under that permit or application for the other development.

D. Planned action limits and uses. A proposed project may qualify as a planned action only if each statement in this subsection 3.D is correct as applied to the proposed project.

1. Uses. The proposed project will include only uses that are identified as permitted outright by SMC 23.75.050, or as conditional uses in SMC 23.75.070.

2. Floor area. The proposed project will not cause the gross floor area of cumulative development on the Planned Action Site after January 1, 2012, excluding any floor area exempt from floor area limits under SMC 23.75.085 and SMC 23.75.090, to exceed any of the floor area limits set forth in Table A for subsection 3.D:

Table A for Subsection 3.D			
Cumulative floor area limits for planned actions by use, in square feet (sf)			
Area	Maximum residential floor area	Maximum floor area for office, medical services, and lodging	Maximum floor area for other uses
Planned Action Site	3,950,000 sf	900,000 sf	150,000 sf

3. Highrise structures.

a. All portions above 85 feet in height of any proposed highrise structure, as defined in SMC Chapter 23.75, are substantially consistent with Exhibit D to this ordinance.

b. The proposed project will not result in more than a total of 13 highrise structures, as so defined, on the Planned Action Site.

4. Street vacation. If a proposed project includes or requires the vacation or dedication of streets within the Planned Action Site, the effect of the vacation or dedication is consistent with the street configuration shown on Exhibit E to this ordinance.

5. Trip generation. The proposed project, together with all other development within the Planned Action Site, is not expected to generate more than any of the numbers of net new motor vehicle trips set forth in Table B for Section 3.D, based on the methodology and assumptions set forth in Appendix N to the DEIS or any subsequent methodology and assumptions approved by the Director.

Table B for Section 3.D	
Trip generation - Net new motor vehicle trips	
Time	Net new vehicle trips
AM peak hour	1,240
PM peak hour	1,327
Daily total	15,970

E. Effect of planned action determination.

1. If the Director determines that a proposed project for which a permit application is submitted qualifies as a planned action, no threshold determination or additional environmental review for that proposed project is required.

2. This ordinance does not limit the authority of the Director to consider any supplement, addendum or other environmental document relating to the development or redevelopment of the Planned Action Site created after the date of the FEIS.

3. Except as provided in subsection 3.B above, this ordinance does not affect the authority of the Director to approve, condition or deny a permit for a planned action.

Section 4. Time Period. This Planned Action Ordinance shall be in effect for 20 years from its effective date, unless repealed or modified by ordinance. During the course of redevelopment on the Planned Action Site, the Director of Planning and Development shall review progress of redevelopment and mitigation in consultation with the Directors of Housing and Transportation to assess the sufficiency of the mitigation measures in Exhibit B, together with applicable regulations and other documents providing for mitigation or conditions on development. Based on this review, the Director may recommend amendments to this ordinance.

Section 5. SMC References. Each reference to a chapter or section of the Seattle Municipal Code in this ordinance and in exhibits to this ordinance refers to the section as enacted in the ordinance introduced as Council Bill .

Section 6. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of

1 this ordinance, or the invalidity of the application thereof to any person or circumstance shall not
2 affect the validity of the remainder of this ordinance, or the validity of its application to other
3 persons or circumstances.

4 **Section 7.** This ordinance shall take effect and be in force 30 days after its approval by
5 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
6 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

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8 Passed by the City Council the ____ day of _____, 2012, and
9 signed by me in open session in authentication of its passage this
10 ____ day of _____, 2012.

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12 _____
13 President _____ of the City Council

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15 Approved by me this ____ day of _____, 2012.

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17 _____
18 Michael McGinn, Mayor

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20 Filed by me this ____ day of _____, 2012.

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22 _____
23 Monica Martinez Simmons, City Clerk

24 (Seal)

Attachments:

EXHIBIT A: Planned Action Site Map

EXHIBIT B: Planned Action Mitigation Document

EXHIBIT C: Yesler Terrace Tree Protection Plan

EXHIBIT D: Highrise Structure Parameters for Planned Actions

EXHIBIT E: Street Configuration